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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,345	12/22/2000	Hans A. Lichtfuss	10002593-1	9781

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HEWLETT-PACKARD COMPANY
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EXAMINER

GIBBS, HEATHER D

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/748,345	Applicant(s) LICHTFUSS, HANS A.	
	Examiner Heather D. Gibbs	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,29,31-34 and 37-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-6,29,31-34,37-45,48-54 is/are rejected.
- 7) ☒ Claim(s) 46-47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/10/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Pages 8-24, filed 11/04/05, with respect to claims 1-2, 4-6, 29, 31-34, 37-54 have been fully considered and are persuasive. The final rejection of 06/03/05 has been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, which is representative of claim 29, 34, and Claims 2, 4, 6, 31-32, 37, 39-40, 43-45, 48-50, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeley (US 6,567, 190) in view of Tsai (US 5,883,727).

Reeley discloses a device comprising: a frame 110; a lid moveably attached to said frame, said lid 225 being movable between a closed position and an open position (Fig 2; Col 4 Lines 26-28); a display 220 mounted to said lid (Fig 2; Col 4 Lines 26-28); wherein said display is visible when said lid is in said closed position (Fig 1; Col 3 Lines 33-34).

Reeley discloses a scanning unit movably disposed in a housing (Col 3 Lines 14-16), but does not disclose expressly that the scanning unit is a photosensor array.

Tsai discloses a CCD 30 mounted on a moving support and gliding in a traverse direction (Fig 39; Col 6 Lines 54-64).

Reele & Tsai are combinable because they are from the same field of endeavor, that is, image scanning using a movable scanning unit.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Reele with Tsai. Furthermore, one of ordinary skill would have known that CCDs such as disclosed in Tsai, are widely used as means for scanning a document and thus would have been motivated to provide a CCD as the movable scanning unit in Reele.

The suggestion/motivation for doing so would have been to allow for operation at different resolutions, as taught by Tsai.

Therefore, it would have been obvious to combine Tsai with Reele to obtain the invention as specified in claim 1.

For claim 2, Reele teaches wherein said lid is hingedly attached to said frame (Col 3 Lines 27-32).

Regarding claim 4, Reele discloses wherein said device is a digital picture frame device (Col 3 Lines 20-24; Col 4 Lines 33-51).

For claim 37, Reele teaches wherein said scanning causes an image of said object to be generated; and displaying at least a portion of said image of said object on said display (Col 3 Lines 14-36).

For claim 39, which is representative of claims 44 and 49, Reele teaches wherein an image is displayed on said display when said lid is in said closed position (Col 3 Lines 45-48; Fig 1).

For claim 40, which is representative of claims 45 and 50, Reele teaches a menu of options displayed on said display (Col 3 Lines 45-57).

Considering claim 43, which is representative of claim 48, Reele discloses a removable memory card device (Col 4 Lines 33-40).

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Considering claim 53, Reelee teaches wherein said device further comprises a removable memory card device (Col 4 Lines 33-40); wherein said scanning causes an image of said object to be generated (Col 3 Lines 14-

36); and using said removable memory card device to store said image on a removable memory card (Fig 3; Col 4 Lines 33-51).

For claim 54, Reelee teaches wherein said scanning causes an image of said object to be generated (Col 3 Lines 10-32); and using said device to transmit said image to a remote location (Col 4 Lines 58-65).

4. Claims 5, which are representative of claim 33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Reelee '190 in view of Tsai '727 and further in view of Puyot (US 6,278,101).

Reelee and Tsai disclose the device as discussed above.

Reelee and Tsai do not disclose expressly wherein said photosensor array is a CIS photosensor array.

Puyot discloses wherein said photosensor array can be a CIS, CCD photosensor array, or any other two-dimensional photosensor array (Col 1 Lines 41-45).

Reelee, Tsai & Puyot are combinable because they are from the same field of endeavor, image devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Puyot with Reelee and Tsai.

The suggestion/motivation for doing so would have been to detect image light focused, as taught by Puyot. One of ordinary skill in the art would have recognized that CIS and other two dimensional arrays are well-known alternatives for use in a scanning device.

Therefore, it would have been obvious to combine Puyot with Reelee and Tsai to obtain the invention as specified in claim 6.

5. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reelee '190 in view of Tsai '727 and further in view of Suzuki et al (US 6,084,990).

Reelee and Tsai disclose the method as discussed above.

Reelee and Tsai do not disclose expressly wherein said displaying at least a portion of said image occurs when said scanning is taking place.

Suzuki discloses wherein said displaying at least a portion of said image occurs when said scanning is taking place (Fig 8A; Col 9 Lines 32-43).

Reelee, Tsai, and Suzuki are combinable because they are from the same field of endeavor, image scanning.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Suzuki with Reelee and Tsai.

The suggestion/motivation for doing so would have been to reduce power consumption, as taught by Suzuki (Col 1 Lines 50-52), and also further for enabling a user to confirm a read image while scanning, which was a deficiency of the prior art (Col 1 Lines 28-34).

Therefore, it would have been obvious to combine Suzuki with Reelee and Tsai to obtain the invention as specified in claim 38.

6. Claims 41-42, which are representative of claims 51-52, are rejected under 35 U.S.C. 103(a) as being unpatentable over Reelee (US 6,567, 190) in view of Tsai (US 5,883,727) and further in view of Morris (US 6,453,361).

Reele and Tsai disclose the device as discussed above.

Reele and Tsai do not disclose expressly wherein one of said options is for uploading an image to the Internet and wherein one of said options is for uploading or downloading an image via wireless connection.

Morris discloses wherein one of said options is for uploading an image to the Internet and wherein one of said options is for uploading or downloading an image via wireless connection (Col 4 Lines 54-61).

Reele, Tsai & Morris are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Morris with Reele and Tsai.

The suggestion/motivation for doing so would have been for capturing and displaying digital images and communicating over the Internet with either browser-based or browser-less client devices, as taught by Morris (Col 3 Lines 25-28).

Therefore, it would have been obvious to combine Morris with Reele and Tsai to obtain the invention as specified in claims 41-42.

Allowable Subject Matter

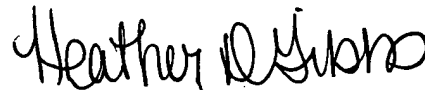
7. Claims 46-47 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs
Examiner
Art Unit 2625

hdg



THOMAS D. LEE